



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
230 SOUTH DEARBORN ST.  
CHICAGO, ILLINOIS 60604

24 OCT 1986

REPLY TO THE ATTENTION OF:

5CS-16

EPA Region 5 Records Ctr.



296444

MEMORANDUM

CONFIDENTIAL

TO: Jeanne Griffin, Program Support Section, Region V

FROM: Lynn Peterson, Assistant Regional Counsel, Region V

RE: Status of Com-Pak Engineering, Inc. -  
owner/operator of Brighton Landfill, Brighton, IL.;  
and Comments on FIT Report.

Pursuant to our conversation regarding the financial status of Com-Pak Engineering, Inc., I am attaching several documents. First, PRC's Final Draft Financial Assessment dated August 13, 1986 (attachments omitted) summarizes Com-Pak's financial position as of March 1986. The second document is an estimate prepared by Kevin Pierard of U.S. EPA regarding the costs associated with groundwater monitoring at Com-Pak's Brighton Landfill facility.

Please also be advised that Com-Pak has a Closure-Post-Closure Trust Fund which contains approximately \$70,000. As is apparent by comparing estimated costs with funds available, this amount does not seem sufficient to cover the cost of thirty years of postclosure monitoring of groundwater as is required for a proper RCRA closure of a hazardous waste landfill. 40 CFR 265.118. Thus, assuming that the owner-operator has made a full financial disclosure, sufficient funds may not be available for proper long term care of this site. On September 11, 1986, U.S. EPA filed a complaint against Com-Pak, and we will soon be filing interrogatories for more information on Com-Pak's finances.

I am also attaching sampling results from the Illinois Environmental Protection Agency (IEPA) sampling of site wells on May 9, 1986. Several of the wells show elevated levels of certain organics; however, data from wells G114, G113, G112, G108, and G104 may not be wholly reliable on account of poor well conditions. Another attachment dated April 16, 1986 is an IEPA Interim Status Standards Inspection Report suggesting that an actual or threatened release of hazardous substances has occurred at the site. Please note that IEPA's Report states that site cover is incomplete and inadequate with refuse still being exposed, whereas our FIT Report states that the site is

completely covered. Please also note that our FIT Report states that "of 28 monitoring wells installed around the landfill, 26 can be sampled." In the attached letter to Mr. Prillaman, the attorney for Com-Pak, U.S. EPA informed him that only 16 of those wells "are adequate for groundwater quality measurement" and that the others are "not reliable for groundwater monitoring and may be sealed."

Finally, the FIT Report does not clearly state that the landfill ceased operation in November 1985. Because Com-Pak longer receives an income stream from the Brighton Landfill it has less financial incentive to comply with RCRA. Since November 1985, Com-Pak has been in violation of the Consent Agreement and Final Order (CAFO) it entered with U.S. EPA in September 1985. Despite protracted negotiations with the facility for nearly a year now, Com-Pak has not made any progress towards compliance with the CAFO or RCRA. Moreover, Com-Pak has repeatedly asserted that it does not have the financial resources to comply with RCRA. Also, although U.S. EPA filed a complaint in federal court over a month ago, the litigation team is doubtful that this will make Com-Pak any more willing to comply with the CAFO and RCRA. In sum, there exists a pattern of non-cooperation beginning with the groundwater violations discovered in 1984 and intensifying with the closing of the landfill disposal business on the site in November 1985.

I hope this information is of use to you. Please do not hesitate to contact me or Tim Conway if you have questions.

Attachments

cc: R. Schaefer  
D. Ullrich  
M. Elam  
T. Daggett  
J. Boyle  
K. Pierard